

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff/Respondent,  
  
vs.  
  
VICTOR SAVCHENKO,  
  
Defendant/Petitioner.

CASE NO. 01cr1652 JM  
CIVIL NO. 07cv0496 JM

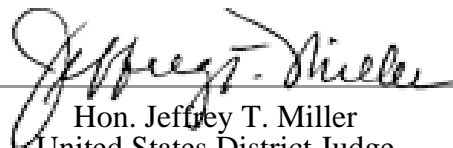
ORDER DENYING MOTION TO  
VACATE; DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

On or about March 20, 2007 Defendant/Petitioner Victor Savchenko filed a Motion to Vacate, Set Aside or Correct his sentence pursuant to 28 U.S.C. §2255 and a motion for appointment of counsel to assist him in prosecuting his motion to vacate. The court denies both motions without prejudice as prematurely filed. Pursuant to an Ameline remand issued by the Ninth Circuit, Defendant is currently calendared for further proceedings before this court on July 20, 1987 as part of Petitioner's direct appeal. Consequently, the motions are not yet ripe for adjudication.

In sum, the motion to vacate pursuant to 28 U.S.C. §2255 and the motion for appointment of counsel are denied without prejudice as prematurely filed.

**IT IS SO ORDERED.**

DATED: May 31, 2007

  
Hon. Jeffrey T. Miller  
United States District Judge

cc: All Parties